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8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against,  
12 **JEAN FRANCOIS HE GESCHWIND, M.D.**  
13 **40 Harbor Rd**  
14 **Westport, CT 06880-6700**  
15 **Physician's and Surgeon's Certificate No. A**  
16 **52326**

17 Respondent .

Case No. 800-2017-035374

OAH No. 2018041168

13 **DEFAULT DECISION**  
14 **AND ORDER**

[Gov. Code, §11520]

18 On March 12, 2018, an employee of the Medical Board of California (Board) sent by  
19 certified mail a copy of Accusation No. 800-2017-035374, Statement to Respondent, Notice of  
20 Defense in blank, copies of the relevant sections of the California Administrative Procedure Act  
21 as required by section 11503 and 11505 of the Government Code, and a request for discovery, to  
22 Jean Francois He Geschwind, M.D. (Respondent) at his address of record with the Board, 40  
23 Harbor Rd, Westport, CT 06880-6700. United States Post Office records show that the package  
24 was signed for by Margaret Geschwind on March 20, 2018. (Accusation Packet, Proof of  
25 Service, Certified Mail Signed Receipt, Exhibit Package, Exhibit 1<sup>1</sup> .)

27 <sup>1</sup> The evidence in support of this Default Decision and Order is submitted herewith as the  
28 "Exhibit Package."

1 A Notice of Defense with an attached Power of Attorney signed by the Respondent granting  
2 Margaret T. Geschwind statutory power of attorney including for claims and litigation and all  
3 other matters was submitted on or about April 1, 2018. A Notice of Hearing was served by  
4 certified mail at Respondent's address of record and it informed Respondent that an  
5 administrative hearing in this matter was scheduled for July 26, 2018. An Order Granting  
6 Respondent's Request to Appear by Telephone was granted on May 14, 2018 and served by  
7 certified mail on May 15, 2018 (Notice of Defense, Power of Attorney, Notice of Hearing and  
8 Declaration of Service, Order Granting Respondent's Request to Appear by Telephone and  
9 Declaration of Service, Exhibit Package, Exhibit 2.)

#### 10 **FINDINGS OF FACT**

11 1. On or about March 12, 2018, Complainant Kimberly Kirchmeyer, in her official  
12 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
13 Affairs, filed Accusation No. 800-2017-035374 against Jean Francois He Geschwind, M.D.  
14 (Respondent) before the Medical Board of California.

15 2. On or about September 15, 1993, the Medical Board of California (Board) issued  
16 Physician's and Surgeon's Certificate No. A 52326 to Respondent. The Physician's and Surgeon's  
17 Certificate was in full force and effect at all times relevant to the charges brought herein and will  
18 expire on December 31, 2018, unless renewed. (Exhibit Package, Exhibit 3, Certificate of  
19 Licensure.)

20 3. On or about March 12, 2018, an employee of the Board, served by Certified Mail a  
21 copy of the Accusation No. 800-2017-035374, Statement to Respondent, Notice of Defense,  
22 Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to  
23 Respondent's address of record with the Board, which was and is: 40 Harbor Rd  
24 Westport, CT 06880-6700. (Accusation Packet, Proof of Service, Certified Mail Signed Receipt,  
25 Exhibit Package, Exhibit 1.)

26 4. Service of the Accusation was effective as a matter of law under the provisions of  
27 Government Code section 11505, subdivision (c).  
28

5. A Notice of Defense with an attached Power of Attorney signed by the Respondent granting Margaret T. Geschwind statutory power of attorney including for claims and litigation and all other matters was submitted on or about April 1, 2018. (Notice of Defense, Power of Attorney, Exhibit Package, Exhibit 2.)

6. A Notice of Hearing was served by certified mail at Respondent's address of record and it informed Respondent that an administrative hearing in this matter was scheduled for July 26, 2018. An Order Granting Respondent's Request to Appear by Telephone was granted on May 14, 2018 and served by certified mail at the address of record on May 15, 2018. (Notice of Hearing and Declaration of Service, Order Granting Respondent's Request to Appear by Telephone and Declaration of Service, Exhibit Package, Exhibit 2.)

7. Respondent failed to appear in person or by telephone on July 26, 2018 (Findings and Declaration of Default; Order of Remand, Exhibit Package, Exhibit 6.)

8. Government Code section 11506 states, in pertinent part:

"(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

9. California Government Code section 11520 states, in pertinent part:

"(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent."

10. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the evidence before it, contained in Exhibit Package, Exhibits 1 to 6, finds that the allegations in Accusation No. 800-2017-035374 are true.

## DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Jean Francois He Geschwind, M.D. has subjected his Physician's and Surgeon's Certificate No. A 52326 to discipline.

1           2.     The agency has jurisdiction to adjudicate this case by default.

2           4.     The Medical Board of California is authorized to revoke Respondent's Physician's  
3 and Surgeon's Certificate based upon the following violations alleged in the Accusation:

4               a.     Between 2007 and 2015, Respondent engaged in a scheme under which he  
5 submitted false travel expense statements to his employer, John Hopkins University (JHU), for  
6 the purpose of obtaining reimbursements to which he was not entitled. Respondent submitted  
7 travel expense claims for items he knew were not business expenses, but were instead personal  
8 expenses such as family vacations, meals, gifts and other personal items. In connection with this  
9 scheme, Respondent submitted documents which created the false appearance that they supported  
10 business expense claims, when in fact they related to personal expenses. Respondent claimed  
11 reimbursement from JHU for expenses that he knew had already been paid, or would later be  
12 paid, by another, or in some cases a third, entity. Respondent claimed false travel expenses and  
13 was reimbursed for those false expenses in an amount in excess of \$500,000. Respondent was  
14 convicted of four felony counts of mail fraud in violation of 18 U.S.C. §1341 and sentenced to  
15 one year and one day in federal prison and ordered to pay \$583,484.31 in restitution. (Certified  
16 copy of United States District Court Judgment in Case Number JFM-1-17-CR-00270-001,  
17 Exhibit Package, Exhibit 4.)

18               Respondent's conduct and criminal conviction constitute unprofessional  
19 conduct and the conviction of a crime substantially related to the qualifications, functions or  
20 duties of a physician and surgeon, and are cause for discipline pursuant to Business and  
21 Professions Code sections 2234 and/or 2236.

22               Respondent's conduct constitutes unprofessional conduct and the commission  
23 of acts involving dishonesty or corruption substantially related to the qualifications, functions, or  
24 duties of a physician and surgeon, and are cause for discipline pursuant to Business and  
25 Professions Code section 2234 and/or 2234(e).

26               b.     Respondent was disciplined by the Connecticut Department of Public Health  
27 Healthcare Quality and Safety Branch (Connecticut Department of Health) which issued an  
28 Interim Consent Order suspending Respondent's Connecticut medical license. The suspension

1 was based on respondent's criminal convictions and sentencing as set forth above. (Certified  
2 copy of Connecticut Department of Health Interim Suspension Order, Exhibit Package, Exhibit  
3 5.)

4 Pursuant to the foregoing Findings of Fact, Respondent's conduct and the  
5 action of the Connecticut Department of Health, constitute cause for discipline pursuant to section  
6 2305 and/or 141(a) of the Code.

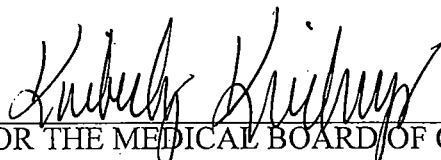
7 **ORDER**

8 **IT IS SO ORDERED** that Physician's and Surgeon's Certificate No. A 52326, heretofore  
9 issued to Respondent Jean Francois He Geschwind, M.D., is revoked.

10 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
11 written motion requesting that the Decision be vacated and stating the grounds relied on within  
12 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
13 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

14 This Decision shall become effective on September 14, 2018.

15 It is so ORDERED August 16, 2018

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17   
18 FOR THE MEDICAL BOARD OF CALIFORNIA  
19 DEPARTMENT OF CONSUMER AFFAIRS

20 Kimberly Kirchmeyer  
21 Executive Director  
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6 Attorneys for Complainant

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO March 12 2018  
BY: Jody Wngst ANALYST

7  
8 BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
9 STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 800-2017-035374

11 **Jean Francois He Geschwind, M.D.**  
40 Harbor Rd  
12 Westport, CT 06880-6700

A C C U S A T I O N

13 Physician's and Surgeon's Certificate  
14 No. A 52326,

Respondent.

15  
16  
17 PARTIES

18 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official  
19 capacity as the Executive Director of the Medical Board of California.

20 2. On September 15, 1993, the Medical Board issued Physician's and Surgeon's  
21 Certificate Number A 52326 to Jean Francois He Geschwind, M.D. (Respondent). The  
22 Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the  
23 charges brought herein and will expire on December 31, 2018, unless renewed.

24 JURISDICTION

25 3. This Accusation is brought before the Medical Board of California (Board) under the  
26 authority of the following laws. All section references are to the Business and Professions Code  
27 unless otherwise indicated.  
28

1           4.       Section 2227 of the Code provides that a licensee who is found guilty under the  
2 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed  
3 one year, placed on probation and required to pay the costs of probation monitoring, or such other  
4 action taken in relation to discipline as the Board deems proper.

5           5.       Section 2234 of the Code provides that the Board shall take action against any  
6 licensee who is charged with unprofessional conduct. Unprofessional conduct includes, but is not  
7 limited to:

8           “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the  
9 violation of, or conspiring to violate any provision of this chapter.

10           ...

11           (e) The commission of any act involving dishonesty or corruption which is substantially  
12 related to the qualifications, functions, or duties of a physician and surgeon.

13           ...”

14           6.       Section 2236 of the Code provides that the conviction of any offense substantially  
15 related to the qualifications, functions, or duties of a physician and surgeon constitutes  
16 unprofessional conduct within the meaning of the Medical Practice Act.

17           7.       Section 2305 of the Code provides, in pertinent part, that the revocation, suspension,  
18 or other discipline, restriction or limitation imposed by another state upon a license to practice  
19 medicine issued by that state, or the revocation, suspension, or restriction of the authority to  
20 practice medicine by any agency of the federal government, that would have been grounds for  
21 discipline in California under the Medical Practice Act, constitutes grounds for discipline for  
22 unprofessional conduct.

23           8.       Section 141 of the Code provides, in pertinent part, that a disciplinary action taken by  
24 another state for any act substantially related to the practice regulated by the California license,  
25 may be a ground for disciplinary action by the Board. A certified copy of the record of the  
26 disciplinary action taken against the licensee by another state shall be conclusive evidence of the  
27 events related therein.

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**FIRST CAUSE FOR DISCIPLINE**

(Unprofessional Conduct/Criminal Conviction/Dishonest Acts)

9. Respondent is a board certified radiologist. From 1997 until 2015, Respondent worked as a professor and physician at Johns Hopkins University School of Medicine (JHU). Respondent taught and practiced in the areas of radiology, surgery, cardiovascular and interventional radiology and oncology. Between 2002 and 2014, Respondent was the Chief of the Division of Interventional Radiology and Radiological Sciences, and from 2014 and 2015 he was Vice Chairman of the Department of Radiology and Radiological Sciences. In 2015, Respondent left Johns Hopkins to become the Chairman of the Department of Radiology and Biomedical Imaging at Yale University School of Medicine and the Chief of the Department of Radiology at Yale New Haven Hospital.

10. A significant portion of Respondent's job at JHU involved research and the design of clinical trials. Respondent was also the founder and chief executive officer of a bio-pharmaceutical company, a joint venture with JHU, focused on the development of new drugs targeting the metabolism of tumors. In connection with his various professional roles at JHU, Respondent frequently traveled both domestically and internationally for work related purposes.

11. Respondent submitted travel expense statements to obtain reimbursement for travel expenses relating to his professional activities at JHU. Only expenses incurred while conducting business on behalf of JHU were eligible for reimbursement.

12. Between 2007 and 2015, Respondent engaged in a scheme under which he submitted false travel expense statements for the purpose of obtaining reimbursements to which he was not entitled. Respondent submitted travel expense claims for items he knew were not business expenses, but were instead personal expenses such as family vacations, meals, gifts and other personal items. In connection with this scheme, Respondent submitted documents which created the false appearance that they supported business expense claims, when in fact they related to

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1 personal expenses. In addition, Respondent claimed reimbursement from JHU for expenses that  
2 he knew had already been paid, or would later be paid, by another, or some cases a third, entity.  
3 Respondent claimed false travel expenses and was reimbursed for those false expenses in an  
4 amount in excess of \$500,000.

5 13. Examples of the false travel expense claims submitted by Respondent include: In  
6 August 2013, Respondent traveled to the United Kingdom and France for a family vacation.  
7 Respondent submitted travel expense claims which included receipts, credit card statements and  
8 tickets designed to create the false appearance that the documents were related to business  
9 expenses, when in fact they related to his family vacation. Respondent falsely represented that he  
10 presented a lecture in London, when no such lecture took place, and falsely noted that a document  
11 reflecting payment for accommodations at a five-star hotel on the coast of Normandy, France was  
12 related to a lecture when it was not. Similarly, in July 2015, after he had left his job at JHU and  
13 joined the Yale faculty, Respondent traveled to Japan to attend a meeting. Before his departure,  
14 Respondent arranged for reimbursement of his airfare by a private company. However,  
15 Respondent claimed reimbursement for the same expense from both JHU and Yale, and  
16 ultimately received reimbursement from three separate entities.

17 14. In 2015, JHU discovered Respondent's expense reimbursement scheme, and a full  
18 investigation ensued.

19 15. Respondent was subsequently notified by the United States Attorney's Office that he  
20 was the subject of a criminal investigation as a result of his fraudulent travel claim activities. In  
21 May 2017, Respondent entered into a plea agreement with the United States Attorney, under  
22 which Respondent agreed to waive indictment and plead guilty to a criminal Information to be  
23 filed, charging Respondent with four counts of mail fraud, in violation of 18 U.S.C. §1341. On  
24 May 17, 2017, the Information was filed in the United States District Court for the District of  
25 Maryland, charging Respondent with mail fraud and a scheme to defraud which occurred from  
26 2007-2015. On September 12, 2017, Judgment was entered based on Respondent's guilty plea.  
27 Respondent was sentenced to a prison term of twelve months and one day, to be followed by a  
28

1 three year term of supervised release. Respondent was assessed a fine of \$75,000 and ordered to  
2 pay restitution in the amount of \$583,484.31.

3 16. Respondent's conduct and criminal conviction constitute unprofessional conduct  
4 and the conviction of a crime substantially related to the qualifications, functions or duties of a  
5 physician and surgeon, and cause for discipline pursuant to Business and Professions Code  
6 sections 2234 and/or 2236.

7 17. Respondent's conduct constitutes unprofessional conduct and the commission of  
8 acts involving dishonesty or corruption substantially related to the qualifications, functions, or  
9 duties of a physician and surgeon, and cause for discipline pursuant to Business and Professions  
10 Code sections 2234 and/or 2234(e).

### 11 **SECOND CAUSE FOR DISCIPLINE**

12 (Discipline, Restriction or Limitation Imposed by Another Jurisdiction)

13 18. On January 29, 2018, the Connecticut Department of Public Health Healthcare  
14 Quality and Safety Branch (Connecticut Department of Health) issued an Interim Consent Order  
15 suspending Respondent's Connecticut medical license. The suspension was based on  
16 respondent's criminal conviction and sentencing as set forth in the First Cause for Discipline,  
17 above. A copy of the Interim Consent Order issued by the Connecticut Department of health is  
18 attached as Exhibit A.

19 19. Respondent's conduct and the action of the Connecticut Department of Health, as  
20 set forth in paragraph 18, above, constitutes cause for discipline pursuant to sections 2305 and/or  
21 141 of the Code.

### 22 **PRAYER**

23 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
24 and that following the hearing, the Medical Board of California issue a decision:


25 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 52326,  
26 issued to Jean Francois He Geschwind, M.D.;

27 2. Revoking, suspending or denying approval of Jean Francois He Geschwind, M.D.'s  
28 authority to supervise physician assistants and advanced practice nurses;

1           3.     Ordering Jean Francois He Geschwind, M.D., if placed on probation, to pay the  
2 Board the costs of probation monitoring; and

3           4.     Taking such other and further action as deemed necessary and proper.  
4

5     DATED: March 12, 2018

  
KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
State of California  
*Complainant*

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